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**VIA ECF**

The Honorable Lois H. Goodman  
US District Court, District of New Jersey  
Clarkson S. Fisher Federal Building & US Courthouse  
402 E. State St.  
Trenton, NJ 08608

Re: *Lay v. Modell's Sporting Goods, et al.*  
Civil Action No.: 09-CV-04009

Dear Judge Goodman:

This firm represents Third-Party Defendant Wellpower Sporting Goods Co., Ltd. ("Wellpower") in the above-referenced matter.

This morning my office inadvertently filed via ECF in this case a "Privileged and Confidential" letter addressed to a Mediator in a separate New Jersey State Court case. This mistake resulted in Document No. 66 being listed as filed in *Lay v. Modell's*. We subsequently successfully filed the intended letter to Your Honor which is now on record as Document No. 67. Since Document No. 66 has no bearing on the above-captioned matter, we respectfully request leave either to delete it as mistakenly filed or mark it in such a way as to avoid any confusion.

We thank Your Honor for your assistance.

Respectfully submitted,

/s/ JOHN C. MALONEY, JR.  
JOHN C. MALONEY, JR.

JCM/af

cc: Richard E. Barber, Esq. (via ECF)  
Edward Slaughter, Esq. (via ECF)  
Patrick J. McStavick, Esq. (via ECF)  
Martin M. Adler, Esq. (via ECF)